

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

United States of America,)	CR. NO. 0:09-1020 (CMC)
)	
v.)	OPINION and ORDER
)	
Matthew Allen Crook,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255, arguing that in light of the Supreme Court's holding in *Johnson v. United States*, __ U.S. __, 135 S.Ct. 2551 (2015), Defendant is no longer an armed career criminal and should be resentenced. ECF No. 74. On May 18, 2016, the Government filed a reply agreeing that Defendant does not have the prerequisite predicate convictions to qualify as an armed career criminal. ECF No. 78.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order as to Matthew Allen Crook in CR 0:09-1020 filed September 30, 2010, is hereby **vacated**, and this matter is set for resentencing on **Tuesday, June 7, 2016, at 2:30 p.m.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 19, 2016